

MESSAGE NO: 3353301 MESSAGE DATE: 12/19/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: AFF-Affirmative

FR CITE: 78 FR 76280 FR CITE DATE: 12/17/2013

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-886

EFFECTIVE DATE: 05/14/2013 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Notice of affirmative preliminary determination of circumvention of the antidumping duty order on polyethylene retail carrier bags from the People's Republic of China (A-570-886)

1. On 12/17/2013, Commerce published in the Federal Register its notice of affirmative preliminary determination of circumvention of the antidumping duty order on polyethylene retail carrier bags from the People's Republic of China (PRC) (A-570-886) (78 FR 76280).

2. Scope of the antidumping duty order

The merchandise subject to the antidumping duty order is polyethylene retail carrier bags which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm). Polyethylene retail carrier bags are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners. Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

3. Scope of the circumvention inquiry

This anticircumvention inquiry covers merchandise from the PRC that appears to be an unfinished polyethylene retail carrier bag which is sealed on all four sides, cut to length, and which appears ready to undergo the final step in the production process, i.e., to use a die press to stamp out the opening and create the handles of a finished polyethylene retail carrier bag. The unfinished polyethylene retail carrier bags subject to this inquiry may or may not have printing and may be of different dimensions as long as they meet the description of the scope of the order.

4. Commerce has preliminarily determined that imports of unfinished polyethylene retail carrier bags from the PRC, meeting the scope of the circumvention inquiry as described in paragraph 3, are subject to the antidumping duty order on polyethylene retail carrier bags from the PRC.

5. For imports of unfinished polyethylene retail carrier bags from the PRC, meeting the description in paragraph 3, entered, or withdrawn from warehouse, for consumption on or after 05/14/2013, CBP shall suspend liquidation of such shipments. In addition, CBP shall require for such entries, a cash deposit at the rate applicable for the antidumping duty order for each exporter.

6. Entries of unfinished polyethylene retail carrier bags from the PRC, meeting the description in paragraph 3, entered, or withdrawn from warehouse, for consumption on or after 05/14/2013, which are set for liquidation need to be unset immediately.

7. If there are any questions by the importing public regarding this message, please contact the call center for the office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (Generated by OI:TES).

8. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party